

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD  
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SPECIAL CIVIL APPLICATION No 5519 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
1 to 5 No

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NIRANJAN N TRIVEDI

Versus

DISTRICT COLLECTOR

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Appearance:

MR KR KOSHTI for Petitioner

Ms.V.K. Parekh, learned A.G.P.

for Respondent Nos. 1 and 2

MR DEEPAK V PATEL for Respondent No. 3

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CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 08/09/97

ORAL JUDGEMENT

There is no dispute that the Controlling Authority had passed an order directing the payment of the due amount of gratuity in favour of the present petitioner, who had sought voluntary retirement on 30.6.94 under voluntary retirement scheme. The Controlling Authority had passed an order dated 19.10.96

for payment of a sum of Rs.50,000/- against the gratuity with 10% interest per annum from 1.8.94. The order passed by the Controlling Authority has not been challenged by the Abad Dairy - respondent No.3 and the same has attained finality. Mr. Patel has given out that a sum of Rs.47,292/- has already been paid to the petitioner in February 1997. In these circumstances, the only controversy, which remains, is about the payment of the remaining amount out of Rs.50,000/- and the due amount of interest in terms of the order passed by the Controlling Authority. Mr. Patel has given out that respondent No.3 Abad Dairy is facing a great financial crisis and it is not possible to make the payment immediately and he has also submitted that, the fact that the Abad Dairy has been declared a sick unit has been brought to the notice of the Controlling Authority. The Controlling Authority has also issued the Recovery Certificate.

In the facts and circumstances of this case, the respondents are directed to make the payment of the remaining amount and the due amount of the interest in terms of the order dated 19.10.96 passed by the Controlling Authority under the Payment of Gratuity Act at the earliest possible opportunity but in no case later than 31.12.97. This Special Civil Application is allowed accordingly and the Rule is also made absolute in the terms as aforesaid. No order as to costs.